

REMARKS

This Amendment is being filed in response to the Office Action mailed May 28, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice

By means of the present amendment, claims 1-7 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A' and deleting reference designations typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-7 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that the title of the invention is not sufficiently descriptive, and required a new title. In response, the current title has been deleted and

substituted with a new title which is clearly indicative of the invention to which the claims are directed.

In the Office Action, the Examiner objected to claims 6-7 for certain informalities. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claims 6-7 have been amended to remove the informalities noted by the Examiner. Accordingly, withdrawal of the objection to claims 6-7 is respectfully requested.

In the Office Action, claim 7 is rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claim 7 has been amended to remove the alleged informality noted in the Office Action. It is respectfully submitted that the rejection of claim 7 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-4 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,661,703 (Moribe). Claims 5-6 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Moribe in view of U.S. Patent No. 6,125,089 (Shigemori). Further, claim 7 is rejected under 35

U.S.C. §103(a) as allegedly unpatentable over Moribe in view of Shigemori and U.S. Patent No. 7,280,461 (Endoh). It is respectfully submitted that claims 1-7 are patentable over Moribe, Shigemori and Endoh for at least the following reasons.

Moribe is directed to an optical recording medium in which a medium identification code is recorded by using a nonvolatile mark which is formed through irreversible change of a recording film. Recording and reproducing programs reproduce the medium identification code, and encode/decode data based on the reproduced medium identification code. This prevents making or using an illegal copy onto another disk.

It is respectfully submitted that, the present invention as recited in independent claim 1, amongst other patentable elements, recites (illustrative emphasis provided) :

first area and a second area comprising a rewritable material, said first area being defined as a read-only area by type information recorded on said data carrier in an unerasable way.

Defining a first area as read-only area by type information recorded on the data carrier in an unerasable way is nowhere disclosed or suggested in Moribe. Rather, Moribe merely discloses a medium identification code recorded by using a nonvolatile mark.

The Moribe medium identification code has nothing to do with defining any portion of the disk as a read-only area. Shigemori and Endoh are cited to allegedly show other features and do not remedy the deficiencies in Moribe.

Accordingly, it is respectfully submitted that independent claim 1 is allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-7 are also allowable at least based on their dependence from amended independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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